

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THEODORE W. WILSON,
Plaintiff,

No. 2:02-cv-2169-MCE-KJM-P

v.

ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

_____/

Plaintiff, a California prisoner, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 21, 2006, the magistrate judge filed Findings and Recommendations herein which were served on all parties and which contained notice to all parties that any Objections to the Findings and Recommendations were to be filed within fifteen (15) days. Both parties filed Objections to the Findings and Recommendations.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 72-304, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations filed March 21, 2006
8 are adopted in full;

9 2. Defendant's March 14, 2005 Motion for Summary Judgment
10 is denied as to Plaintiff's Eighth Amendment claim; and

11 3. Plaintiff's state law medical malpractice claim is
12 dismissed without prejudice to refiling in state court.

13 DATED: June 1, 2006

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17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
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